

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 30, 2000

DIVISION ONE

B128129 Martin Cadillac Co., Inc. (Not for Publication)
 v.
 Murgo et al.

The judgment is reversed. The trial court is directed to enter judgment in favor of defendants. Defendants are to recover costs on appeal.

Spencer, P.J.

We concur: Ortega, J.
 Masterson, J.

B137686 Thomas F. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Dept of Children & Family Services, r.p.i.)

Petition denied by opinion.

Spencer, P.J.

We concur: Ortega, J.
 Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B128891 People v. Brown (Not for Publication)

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B120951 Bashkin (Not for Publication)
v.
Stanford

The judgment is affirmed. Stanford is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B138001 Howell et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(Swedelson & Gottlieb et al., r.p.i.)

Let a peremptory writ of mandate issue compelling the trial court to vacate its order overruling the demurrer and to enter (1) a new order sustaining the demurrer without leave to amend and (2) a judgment of dismissal in favor of Howell and Hatzer. Howell and Hatzer are entitled to their costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

DIVISION ONE (Continued)

B126656 Michaels (Not for Publication)
v.
Wildenstein & Co., Inc.

The judgment is reversed and the cause is remanded to the trial court with directions to (1) vacate its orders (a) sustaining Wildenstein's demurrers to Michaels's eighth and ninth causes of action and (b) granting Wildenstein's motion for summary judgment as to Michaels's remaining causes of action; (2) to enter new orders overruling the demurrers and denying the motion for summary judgment; (3) to make such other orders as are necessary to place Michaels's claims at issue; and (4) to place the case on track for trial. Michaels is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

B134240 People (Not for Publication)
v.
Hardy

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B128571 People (Not for Publication)
v.
Alwaili

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

March 30, 2000-Continued

DIVISION ONE (Continued)

B130809 People (Not for Publication)
v.
Rodriguez

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B131635 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Melissa M.

The order is affirmed

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

[illegible]

The order is affirmed

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

DIVISION TWO

B119215 Youssef et al. (Not for Publication)
 v.
 Crowell et al.

The judgment is affirmed. The order of the trial court denying defendants' motions to recover fees and costs under Civil Code section 1717 and Code of Civil Procedure section 2033, subdivision (o), is also affirmed. Each side to bear their own costs.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Cooper, J.

B130161 People (Not for Publication)
 v.
 Carranco

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Nott, Acting P.J.
 Cooper, J.

B131306 People (Not for Publication)
 v.
 Galvan

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Cooper, J.

March 30, 2000-Continued

DIVISION TWO (Continued)

B129898 Eckert (Not for Publication)
v.
Progressive Title Company, Inc., et al.

The judgment is affirmed. Each side to bear their own costs.

Mallano, J. (Assigned)

We concur: Nott, Acting P.J.
 Cooper, J.

B132947 People (Not for Publication)
v.
Armando Albert D.

The minute order of May 12, 1999 is affirmed with directions to the juvenile court to modify the order to reflect a maximum term of confinement of four years and to give the Minor a credit for time served of 47 days. This matter is also remanded and the juvenile court further directed to make the declaration required in section 702.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Cooper, J.

DIVISION TWO (Continued)

B129355 People (Not for Publication)
v.
Frontier Pacific Insurance Company

The appeal from the summary judgment is dismissed as untimely. The order of the trial court denying Frontier's motion to set aside the summary judgment, discharge the forfeiture and exonerate bail is reversed. This matter is remanded with directions that the trial court set aside the summary judgment against Frontier, discharge the forfeiture of the Bond and exonerate the Bond. Each side is to bear its own costs on appeal.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Cooper, J.

DIVISION THREE

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur: Kitching, Acting P.J.
 Schneider, J. (Assigned)

B127043 People (Not for Publication)
v.
Liggins

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Schneider, J. (Assigned)

March 30, 2000-Continued

DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B117069 Lupe Langan (Certified for Partial Publication)
v.
City of El Monte

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

[illegible]

The order under review is modified by awarding an additional 38 days' predisposition credit and, as modified, the order under review is affirmed. The juvenile court is directed to prepare an amended commitment order and to forward a certified copy thereof to the California Youth Authority.

Croskey, Acting P.J.

We concur: Kitching, J.
 Schneider, J. (Assigned)

March 30, 2000-Continued

DIVISION THREE (Continued)

[illegible]

The order under review is affirmed.

Croskey, Acting P.J.

We concur: Aldrich, J.
Schneider, J. (Assigned)

DIVISION FOUR

B129610 Hammock, Sr. (Not for Publication)
v.
Country Wide Home Loans, Inc. et al.

The orders denying the motions to tax cost and granting the award of attorney fees are affirmed. Costs are awarded to respondents.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B129649 People (Not for Publication)
v.
Ellis

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FOUR (Continued)

B135413 Brock (Not for Publication)
v.
City of Los Angeles et al.

We affirm the trial court's ruling that the charge of attempting to obtain a confidential document was supported by the evidence in the administrative record, and its ruling overturning two of the charges against Brock -- attempting to compromise an official investigation and misuse of an LAPD vehicle by using it to drive back and forth between home and work. We reverse its ruling overturning the charges of (1) domestic violence and injury to Butorovich, (2) misusing an LAPD vehicle for personal purposes other than commuting between home and work, and (3) misusing the e-mail system. We also reverse its ruling that the evidence of the prior incidents of domestic violence involving Sgt. Arocho was inadmissible for any purpose other than to prejudice the Board. Since two of the charges against Brock were properly overturned by the trial court, we agree that the matter must be remanded to the Board for reconsideration of the penalty. At that time, the Board may impose any penalty it deems appropriate, up to and including termination. The case is remanded to the trial court with instructions to send it back to the Board for further action in accordance with the views expressed in this opinion. Each party shall bear their own costs on appeal.

Curry, J.

We concur: Vogel (C.S.), P.J.
Berle, J. (Assigned)

B130057 Nicoletti et al. (Not for Publication)
v.
Judlicka et al.

The judgment is reversed and the case is remanded to the trial court with directions to enter judgment for plaintiffs in accordance with this decision. Defendants to recover costs on appeal.

Berle, J. (Assigned)

We concur: Epstein, Acting P.J.
Hastings, J.

March 30, 2000-Continued

DIVISION FOUR (Continued)

[illegible]

For the foregoing reasons, the judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

[illegible]

The judgment against appellant is modified to reflect that he is ordered to pay a \$5,000 state penalty assessment (Pen. Code, § 1464) and a \$3,500 county penalty assessment (Gov. Code, § 76000). The judgment is affirmed in all other respects.

Curry, J.

We concur: Epstein, Acting P.J.
Berle, J. (Assigned)

[illegible]

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

March 30, 2000-Continued

DIVISION FOUR (Continued)

B129426 People
v.
Johnson

Filed order denying petition for rehearing.

DIVISION FIVE

B126689 Tyler Investment Co., Ltd., et al. (Not for Publication)
v.
Alan B. Marenstein et al.

The judgment is affirmed. Respondent(s) to recover costs.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

B126871 Raj Jammu (Not for Publication)
v.
Marriott International, Inc., et al.

The judgment is affirmed. Each party to bear their own costs.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B125704 Irene C. Husak (Not for Publication)
 v.
 Walter J. Husak

The judgment is reversed. Each party to bear their own costs.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B131208 People
 v.
 Oscar Eagle

Filed order denying petition for rehearing.

B130270 People
 v.
 Eric Charles Alexander

The Court:
Appellant's motion to recall remittitur is granted. The remittitur issued March 9, 2000, is recalled. The opinion (originally filed January 6, 2000) is ordered refiled as of the date of this order.

DIVISION SEVEN

B125989 People
 v.
 Gomez

Filed order denying petition for rehearing.